

ITEM NO: _____

PREPARED BY: Fred E. Jones, Jr.

APPROVED BY: Fred E. Jones, Jr.

A resolution requesting the Tennessee General Assembly to enact legislation to eliminate litigation taxes in criminal cases; to increase court costs in criminal cases; to make such costs a part of the criminal sanctions; and to create a work program whereby those convicted of crimes may be required to work off criminal fines and court costs in lieu of their payment. In the alternative, this resolution requests that these issues regarding criminal fines and costs be included in House Bill 3751 for study by a legislative council in conjunction with the administrative office of the courts. Resolution sponsored by Commissioner Joe Ford.

WHEREAS, Shelby County Criminal Court is owed approximately \$250,000,000.00 in fines and costs, much of which is delinquent and that Shelby County General Sessions Criminal Court is owed approximately \$167,000,000.00 in outstanding fines and costs; and

WHEREAS, the Criminal Court Clerk and General Sessions Court Clerk have diligently attempted to collect these outstanding sums of monies; and

WHEREAS, the laws of this state currently hold that the costs of such criminal cases are civil debts and the legal means of collecting such debts are limited; and

WHEREAS, it is necessary to amend current legislation and create new legislation to enhance the means of collection of these outstanding sums of monies.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That Shelby County Government hereby encourages the Tennessee General Assembly to enact legislation to enhance the collection of criminal fines and court costs throughout the State.

BE IT FURTHER RESOLVED, That the Tennessee General assembly enact legislation to eliminate litigation taxes in criminal cases.

BE IT FURTHER RESOLVED, That the Tennessee General assembly enact legislation to increase the amount of court costs assessed against persons convicted of crimes in an amount equal to the litigation taxes which are being eliminated.

BE IT FURTHER RESOLVED, That the Tennessee General assembly enact legislation to make the court costs in criminal cases a part of the criminal sanctions levied against convicted criminal defendants.

BE IT FURTHER RESOLVED, That the Tennessee General assembly enact legislation to allow judges to order convicted criminal defendants to work off fines and court costs when such convicted criminal defendants are unable or unwilling to pay these fines and court costs.

BE IT FURTHER RESOLVED, That the Tennessee General assembly, in the alternative, enact House Bill 3751 which is seeking the creation of a legislative council in conjunction with the administrative office of the courts to study misdemeanor sentencing and to include these issues regarding criminal fines and costs in said House Bill.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____